

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

EXITEXCHANGE CORP.,

Plaintiff,

v.

FRIENDFINDER NETWORKS, INC.,

Defendant.

CIVIL ACTION NO. 2:13-cv-00396-JRG

LEAD CASE

JURY TRIAL DEMANDED

**DEFENDANTS' UNOPPOSED MOTION FOR EXTENSION OF TIME TO
COMPLY WITH PARAGRAPHS 1 AND 3 OF THE DISCOVERY ORDER
(INITIAL AND ADDITIONAL DISCLOSURES)**

Defendants Manwin USA, Inc., Manwin D.P. Corp., Motherless, Inc., WZ Communications, Inc., Lemuria Communications, Inc., Quasar Data Center, Ltd., Travelocity.com LP, TripAdvisor LLC, and KAYAK Software Corporation (collectively, “Defendants”) file this Unopposed Motion for Extension of Time to Comply with Paragraphs 1 and 3 of the [proposed] Discovery Order (Initial and Additional Disclosures) up to and including November 1, 2013—the same date Defendants’ P.R. 3-4(a) production is due. Plaintiff does not oppose this motion.

An extension is necessary, in part, because Defendants need additional time to review and investigate Plaintiff’s infringement contentions and supporting documents prior to serving their disclosures. The following good cause exists in support of this request:

1. Plaintiff designated its infringement contentions and related document production as “Outside Counsel Eyes Only.” In light of this designation, defense counsel was not able to

immediately share the infringement contentions with their clients for purposes of analyzing and investigating Plaintiffs claims. Although the parties were able to meet and confer and recently resolve this issue without judicial intervention, Defendants have not had sufficient opportunity to review Plaintiffs infringement contentions and formulate their disclosures in response thereto.

2. In addition, Plaintiff served P.R. 3-2 documents on Defendants, but those documents were produced on a zip-drive containing 46,000 individual tiff files without any accompanying unitization or index. In response, Defendants brought this issue to Plaintiff's attention and requested that the documents be produced again along with a load file. The parties were again able to meet and confer and resolve this issue without the need for judicial intervention. On September 24, 2013, Plaintiff agreed to produce the "load file" for the documents. So, while an agreement recently has been reached on this issue, Defendants to date have been unable to properly analyze Plaintiff's P.R. 3-2 document production in order to investigate and prepare their disclosures.

3. The parties are jointly submitting a proposed protective order on the same date this motion is being filed. While the majority of the terms of the proposed protective order are agreed, Plaintiff and Defendants are submitting competing proposals regarding the protective order's prosecution bar. Given the stark contrast of the parties' proposals—as well as the absence of a prosecution bar currently being in place—Defendants believe they potentially would suffer substantial prejudice by having to produce certain highly confidential information at this stage of the litigation. Anticipating that a protective order will be in place prior to November 1, 2013, Defendants ask that the disclosure deadlines be extended to that date.

4. To date, only two defendants (Motherless, Inc. and Quasar Data Center, Ltd.) have filed answers setting forth substantive defenses to Plaintiff's allegations. The other seven defendants

have filed only motions to dismiss based on various grounds. For this reason as well, those defendants who have not yet answered are not able to comply fully with their disclosure obligations at this time as required by Paragraphs 1 and 3 of the [proposed] Discovery Order.

5. This motion is not presented for purposes of delay. This extension will not impact any other deadlines in this case.

Accordingly, Defendants respectfully request that the Court enter an order extending the deadline for the parties to comply with Paragraphs 1 and 3 of the [proposed] Discovery Order (Initial and Additional Disclosures) up to and including November 1, 2013.

Dated: September 26, 2013

Respectfully submitted,

By: /s/ Andrew W. Stinson

Frank M. Gasparo (Admitted Pro Hac Vice)
Venable LLP
1270 Avenue of the Americas
Twenty-Fourth Floor
New York, New York 10020
Telephone: (212) 307-5500
Facsimile: (212) 307-5598
fmgasparo@venable.com

Andrew W. Stinson
State Bar No. 24028013
RAMEY & FLOCK PC
100 East Ferguson, Suite 500
Tyler, Texas 75702
Telephone: (903) 597-3301
Facsimile: (903) 597-2413
astinson@rameyflock.com

Tamany Vinson Bentz (Admitted Pro Hac Vice)
Venable LLP - Los Angeles
2049 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 229-9900
Facsimile: (310) 229-9901
tjbentz@venable.com

ATTORNEYS FOR DEFENDANTS MANWIN
USA, INC. and MANWIN D.P. CORP.

Dated: September 26, 2013

Respectfully submitted,

By: /s/ David S. Richman

David S. Richman
Theodora Oringer PC
10880 Wilshire Boulevard, Suite 1700
Los Angeles, CA 90024
Telephone: (310) 557-2009
Facsimile: (310) 551-0283
drichman@tocounsel.com

ATTORNEYS FOR DEFENDANT
MOTHERLESS, INC.

Dated: September 26, 2013

Respectfully submitted,

By: /s/ Andrew W. Stinson

Valentin Gurvits (Admitted Pro Hac Vice)
Matthew Shayefar (Admitted Pro Hac Vice)
Boston Law Group, PC
825 Beacon Street, Suite 20
Newton Centre, Massachusetts 02459
Telephone: (617) 928-1800
Facsimile: (617) 928-1802
vgurvits@bostonlawgroup.com
matt@bostonlawgroup.com

Andrew W. Stinson
State Bar no. 24028013
Ramey & Flock, P.C.
100 East Ferguson, Suite 500
Tyler, Texas 75702
Telephone: (903) 597-3301
Facsimile: (903) 597-2413
astinson@rameyflock.com

ATTORNEYS FOR DEFENDANTS
LEMURIA COMMUNICATIONS, INC.
and WZ COMMUNICATIONS, INC.

Dated: September 26, 2013

Respectfully submitted,

By: /s/ Robert James McAughan, Jr.

Robert James McAughan, Jr
Sutton McAughan Deaver PLLC
3 Riverway, Suite 900
Houston, TX 77056
Telephone: (713) 800-5700
Facsimile: (713) 800-5699
bmcaughan@smd-iplaw.com

ATTYORNEYS FOR QUASAR DATA
CENTER, LTD.

Dated: September 26, 2013

Respectfully submitted,

By: /s/ John M. Jackson

John M. Jackson
Matthew C. Acosta
Nathaniel St. Clair
Jackson Walker - Dallas
901 Main Street, Suite 6000
Dallas, TX 75202-4207
Telephone: (214) 953-6109
jjackson@jw.com
macosta@jw.com
nstclair@jw.com

David Folsom
Jackson Walker LLP
6004 Summerfeld Drive
Texarkana, TX 75503
Telephone: (903) 255-3251
Facsimile: (903) 255-3266
dfolsom@jw.com

Richard S Zembek
Fulbright & Jaworski LLP - Houston
Fulbright Tower
1301 McKinney, Suite 5100
Houston, TX 77010-3095
Telephone: (713) 651-5283

Facsimile: (713) 651-5246
rzembek@fulbright.com

ATTYORNEYS FOR TRAVELOCITY.COM LP,
TRIPADVISOR LLC, and KAYAK SOFTWARE
CORPORATION

CERTIFICATE OF SERVICE

The undersigned certifies that on September 26, 2013 a true and correct copy of the foregoing document was served on all attorneys of record who have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Andrew W. Stinson
Andrew W. Stinson

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that the Parties have satisfied the meet and confer conference requirements of Local Rule CV-7(h) and this motion is unopposed.

/s/ Andrew W. Stinson
Andrew W. Stinson